

APPENDIX E

Spill Prevention, Control & Countermeasure Plans

The federal Clean Water Act requires facilities that store any kind of oil in certain volumes to prepare and implement spill prevention, control, and countermeasure (SPCC) plans to prevent the discharge of oil from a facility into navigable waters or adjoining shorelines. SPCC plans require that your facility have adequate containment, such as berms and dikes around aboveground fuel tanks, to protect the soil and water in the event of a spill (40 CFR 112.1). SPCC plans are federal requirements administered by the U.S. Environmental Protection Agency (U.S. EPA).



This well-marked spill equipment containment unit is for bigger spills and is housed in a mobile trailer that can be transported to the spill site. Smaller spill equipment containment units should be adjacent to the fuel dock, easily accessible and well marked.

Does Your Marina Require an SPCC Plan?

Your facility needs to develop an SPCC plan if it does any of the following:

- Stores oil above ground in any size tank(s) with a total aggregate volume over 1,320 gallons (containers of less than 55 gallons and/or permanently closed storage tanks are exempt from the total); or
- Stores oil below ground in any size tank(s) with at total aggregate volume of 42,000 gallons (except for tanks that are compliant with the state requirement for underground storage tanks); and
- Could reasonably be expected to discharge oil to a “navigable water of the United States” or “adjoining shorelines” considering a possible worst-case scenario. (This criterion applies to just about every marina in the state, since a facility cannot take into consideration any manmade impediments to the flow of oil.)

NOTE: “Oil” is defined in Section 311(a)(1) of the Clean Water Act as “oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.” The U.S. EPA interprets this definition to include crude oil, petroleum, and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils.

NOTE: “Navigable waters” are defined in 40 CFR 112.2 of the Oil Pollution Act to include all navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972

amendments to the Federal Water Pollution Control Act (Public Law 92-500), and tributaries of such waters; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Do You Also Need a Facility Response Plan?

Onshore facilities that, because of their location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the regional administrator of U.S. EPA's Region 5 in accordance with 40 CFR 112.20.

Facilities should complete the Substantial Harm Criteria Certification found in Appendix C of 40 CFR 112 to determine if their facility would be subject to applicability of the substantial harm criteria.

What is an SPCC Plan?

An SPCC plan outlines a facility's oil containment systems and procedures to prevent an oil spill. It also outlines oil spill response and cleanup protocols. Each SPCC plan is site specific, but must address the following:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching the environment; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches the environment.

Who Writes an SPCC Plan?

Preparation of the SPCC plan is the responsibility of the facility owner or operator, who may also be eligible to self-certify the SPCC plan if the facility meets the following eligibility criteria for a qualified facility:

1. Total above ground oil storage capacity of 10,000 U.S. gallons or less; and
2. In the three years prior to the date the SPCC plan is certified, the facility has had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.

If the facility does not meet the above criteria, the SPCC plan must be certified by a licensed professional engineer (PE). By certifying the SPCC plan, the PE confirms that:

1. He is familiar with the requirements of the rule;
2. He or an agent has visited and examined the facility;

3. The SPCC plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of the rule;
4. Procedures for required inspections and testing have been established; and
5. The SPCC plan is adequate for the facility.

When self-certifying a facility's SPCC plan, the owner/operator makes a similar statement. See Section 112.6 of the rule for other qualified facility SPCC plan requirements.

Is There a Particular Form or Format for the SPCC Plan?

The U.S. EPA does not expect any two plans to look alike. However, at a minimum, all plans must include:

- Facility layout and drainage patterns;
- List of all oil storage tanks and areas;
- Quantities of oil that could be released, with predicted path of flow and flow rate;
- Procedures for receiving oil from the supplier, transfer of oil within the facility, end point uses of the oil, and waste oil disposal;
- Effects of a spill at the facility, fire hazards, employee evacuation, customer/neighbor considerations, press relations;
- Capacity of required secondary containment devices;
- Clean-up procedures, including use of in-house staff versus contractors;
- Notification list (i.e., name(s) and phone numbers of in-house management, remote management, fire and police, municipal, state and federal agencies requiring notification);
- Facility security for prevention of internal sabotage and external vandalism;
- Employee training for spill prevention, oil handling, and spill clean-up; and
- Occupational Safety and Health Administration considerations.

Where Should the SPCC Plan be Located?

REQUIRED: A copy of the SPCC plan must be maintained at any facility manned at least four hours per day. For remote locations, the SPCC plan should be filed at the nearest field office. A copy does not have to be filed with the U.S. EPA or any other agency unless it is a condition of a permit or license held by the facility. However, the SPCC plan must be available during normal business hours for review by a U.S. EPA inspector. The U.S. EPA requires that facilities submit a copy of the SPCC plan to U.S. EPA Region V if a single spill of greater than 1,000 gallons occurs or if two discharges of 42 gallons or more occurs within one year. All employees must be made aware of the SPCC plan. It is highly recommended that you post copies of the plan in plain view at oil storage locations.

Does an SPCC Plan Need to be Reviewed and/or Updated?

The plan has to be reviewed at least once every five years. You must keep records of these reviews. An example of such documentation is “I have completed review and evaluation of the SPCC plan for (name of facility) on (date), and will/will not amend the plan as a result (signature).”

The plan must be amended when:

- There are changes in facility design, construction, operation, or maintenance that materially affect the facility’s potential for the discharge of oil; or
- There are two or more spills in 12 months or one spill of 1,000 gallons.

A registered professional engineer must certify only technical changes to the SPCC plan. Nontechnical amendments include personnel or contact information changes.

Who Cares if My Facility Does Not Have an SPCC Plan?

Company management cares if your facility does not have an SPCC plan. Having measures in place to prevent spills is cost effective, since spill cleanup can be costly. However, when a plan is in place, spill cleanup can be more efficient, more effective and less costly than if there is no course of action.

The U.S. EPA also cares if your facility does not have an SPCC plan. The penalty for failure to have an SPCC plan can be up to \$27,500 per day of violation (up to a maximum of \$137,500) if an administrative action is filed. The U.S. EPA performs random, unannounced inspections of facilities suspected of needing an SPCC plan.

If There is a Spill, For What Could I be Held Responsible?

- Removing the material from public property, including cleaning highways, waterways, storm drains, bridge abutments, etc.
- Removing the material from private property, such as boat hulls and parking lots.
- Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish, and waterfowl).
- Paying for lost livelihood wages of fisherman and shell fisherman, devaluation of property for sale and private suits.
- Civil penalty for spilling into a water of the United States.
- Criminal penalty if you fail to notify the federal authorities. State agencies and contractors have no responsibility to notify for you.

For More Information

Visit U.S. EPA’s website at www.epa.gov/osweroe1/content/spcc for more information about the federal spill prevention, control and countermeasure program.
